

# MINUTES

## OF THE REGULAR MEETING OF THE TOOELE COUNTY BOARD OF COMMISSIONERS

### HELD JULY 19, 2016

Chairman Bitner called the meeting to order at 7:00 p.m. The time, place and agenda of the meeting had been provided to the Tooele Transcript Bulletin and to each member of the governing body by delivering copies of the notice and agenda at least two days before to each of them.

1. PLEDGE OF ALLEGIANCE. The Pledge of Allegiance was offered by Wayne Anderton.

2. ROLL CALL. The Clerk called the roll which showed Commissioners Wade Bitner, Chairperson, Shawn Milne and Myron Bateman present. Also present were Scott Broadhead, Attorney and Marilyn Gillette, Clerk/Auditor.

3. MINUTES. Commissioner Milne moved to approve the minutes of the Commission Meeting held June 21, 2016 as presented. Commissioner Bateman seconded the motion. All concurred.

4. CONSENT AGENDA. Commissioner Bateman moved to approve the Consent Agenda as presented. Commissioner Milne seconded the motion. All concurred.

Invoices. A) Warrants issued on June 22, 2016, Direct Deposit amount \$374,421.01, Direct Deposit Check #062216001 - #062216336. Check amount \$515.33, Payroll Check #7884 - #7885. Transmittal Checks, check Amount \$292,106.39, Transmittal Check #7886 - #7894; B) Warrants issued June 23, 2016 in the amount of \$550,500.44, Check #158394 thru #158488; C) Warrants issued June 30, 2016 in the amount of \$537,565.08, Check #158489 thru #158634; D) Warrants issued July 6, 2016, Direct Deposit amount \$353,367.63, direct Deposit Check #070616001 - #070616335. Check amount \$1,529.98, Payroll Check #7896 - #7898. Transmittal Checks, check amount \$276,796.20, Transmittal check #7899 - #7907; Warrants issued July 7, 2016 in the amount of \$314,680.55, Check #158635 - #158745.

Tax Adjustments. A) Todd Oveson, Transaction #C431MV. Mr. Oveson received disability, relief amount (\$110.00); B) Adam Freitas, Transaction #056wsf. Renewed the registration on April 20, 2016. the car was in an accident on May 24, 2016 and deemed a total loss. Since I can't use the car I would like the refund. Plates were turned in. Relief amount (\$10.00); C) Thomas Dukes, Transaction #a982uv. Needed car to e legal to drive to dealer to trade in on another car/turned in plates. Relief amount (\$50.00); D) Raymond G. Willis, Serial #10-040-0-0031. 60% Veteran, Relief amount \$767.28.

5. PUBLIC HEARING ON THE PROPOSED MID-YEAR BUDGET ADJUSTMENT.  
Tenille Tingey, Accountant/Financial Analyst, recommended one mid-year budget adjustment at this time to account for the impact fees which were approved almost 90 days ago. A new line item will be created for the Roads Impact Fees in the Capital Projects Fund. This creates a new total in the 40 fund of \$265,000 and reduces the transfer from the General Fund to the 40 fund by \$90,000 to \$85,000.

Commissioner Milne opened the public hearing. Commissioner Bateman seconded the motion. All concurred. Those in attendance were Blain Gehring, Randy Sant, Scott Rybarik, John Beagley, Shirley Beagley, Ed Merrill and Kathryn Anderson. There were no public comments. Commissioner Milne moved to close the public hearing.

Commissioner Bateman seconded the motion. All concurred.

6. RESOLUTION 2016-03 - AMENDING (INCREASING) THE 2016 TOOELE COUNTY GENERAL FUND BUDGET. Commissioner Milne moved to only make the change that was noted for the Impact Fees for the 40 fund. Commissioner Bateman seconded the motion. All concurred.

7. ORDINANCE 2016-08 - AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 3.107 ACRES OF LAND IN LAKE POINT, FROM RR-1 TO C-G. Blaine Gehring, Planner, Beehive Broadband wants to expand their office building, including the old school and church building in Lake Point. The land is zoned rural residential. There have been concerns that this commercial zone is in the middle of a residential zone. The Planning Commission sent a favorable recommendation for the rezone on a 3-1 vote. Commissioner Bateman moved to approve Ordinance 2016-08. Commissioner Milne seconded the motion. All concurred.

8. APPEAL OF AMD 2016-01 DECISION TO DENY AN EXTENSION OF CUP 2014-07 FOR A KENNEL AT 1382 E ERDA WAY. Blaine Gehring, Planner, reviewed the history of this CUP. There is a requirement that substantial work must be done to meet the CUP within one year of approval. The Guidardi's applied for an extension when the one year was up. The Planning Commission denied the extension request.

Mr. Guidardi felt Mr. Gehring laid out what has happened. An ordinance was changed after they received the original CUP. There are 17 stipulations in the CUP, they have complied with 11 of them. They did not complete the other 6 items because their neighbors sued them because they were not in compliance with the CC&R's on the property that they were not aware of when they purchased the property. The neighbor, who is on the Planning Commission, did recuse himself from the vote, but he wrote a letter stating that he expected the other members of the Planning Commission to deny the request. They are asking for an additional 6 month extension.

Commissioner Milne moved to table this item to the next Commission agenda to give them time to gather information and have a candid discussion with the County Attorney on the subject. Commissioner Bateman seconded the motion. All concurred.

9. APPROVAL OF WENDOVER AIRPORT BYLAWS. Jim Petersen, Wendover Airport, operated under a board years ago. These new bylaws revise the board's rules and regulations and provides for input from Tooele County as well as Wendover City. The agreement is basically the same with some needed updates. Commissioner Bateman moved to approve the Wendover Airport Bylaws. Commissioner Milne seconded the motion. All concurred.

10. APPROVAL OF INVOICE FROM BALIARD SPAHR FOR PROFESSIONAL/CONSULTING SERVICES RENDERED IN CONNECTION WITH IRS BOND AUDIT. Commissioner Milne asked that this be struck from the agenda as it has been taken care of. Commissioner Bateman seconded the motion. All concurred.

11. ORDINANCE 2016-09 - AMENDING CHAPTER 10, PROPERTY DISPOSAL, OF TITLE 1, GENERAL PROVISIONS, OF THE TOOELE COUNTY CODE. Attorney Broadhead discussed this ordinance. The County has hired outside council to determine whether our disposal ordinance meets with case law. Tooele County's property disposal ordinance was compared with nine of the largest counties ordinances in the state of Utah. There are some significant changes, as well as changing of the way some of the information was laid out. Commissioner Milne moved to approve the modifications noted. Commissioner Bateman seconded the motion. All concurred.

12. APPROVAL OF THE CERTIFIED TAX RATE. Tenille Tingey,

Accountant/Financial Analyst, reviewed the proposed tax rates.

| Purpose of Levy                   | Adopted Tax Rate | Budgeted Property Tax Revenues |
|-----------------------------------|------------------|--------------------------------|
| <b>County-Wide:</b>               |                  |                                |
| General County Purposes           | .001435          | \$5,049,800                    |
| State Assess & Collect            | .000011          | 43,673                         |
| County Assess & Collect           | .000430          | 1,707,225                      |
| County Health                     | .000190          | 668,615                        |
| <b>Subtotal</b>                   | .002104          | \$7,469,313                    |
| <b>Unincorporated Areas Only:</b> |                  |                                |
| Municipal Services                | .000813          | \$1,687,241                    |
| <b>Total:</b>                     | .002917          | \$9,156,554                    |

Commissioner Bateman moved to approve Resolution 2016-04 - Adopting the 2016 Tax Rates and Property Tax Revenue Budget Amounts. Commissioner Milne seconded the motion. All concurred.

13. **BOARD OPENINGS**

- A) Council on Aging - 1 position - open until filled
- B) Budget Advisory Board - 2 positions - open until filled
- C) Lake Point Cemetery and Park district - 1 position - open until filled
- D) Career Service Council - Must be "Sympathetic to Merit Principles" - 1 position - open until filled
- E) Historic Preservation Commission - 2 positions - open until filled.

14. **BOARD APPOINTMENTS**

Commissioner Bateman moved to appoint Brenda Faddis to the Budget Advisory Board. She will complete Jake Jacobson's term which runs through October 15, 2017. He also moved to appoint Mike Hansen to the Career Service Council. Commissioner Milne seconded the motion. All concurred.

15. **PUBLIC CONCERNS** Bonnie House, Erda, discussed the newly approved master plan

and a proposed highway that is going to be close to their homes in Erda. She presented a number of alternate ideas that she felt would accomplish the same thing and save the county money. The Commissioners asked to meet with them after the meeting to discuss their ideas.

Shauna Wayman also discussed the proposed road. She feels the plan mentioned is a better plan for commercial development.

Gordon Beals, thanked the public safety officers for everything they do. He told the audience that he submitted a GRAMA request to get information on the Utah Motorsports Campus, but was turned down. He then asked to be put on the Commission agenda to discuss it, and was turned down. With the two minute limit, he felt they don't care about the citizen's concerns. For the GRAMA request he was given the reason that the county is under negotiation for the UMC property. He recommended that they hurry up and sell it because there are a lot of people counting on them for years to come.

Travis Williams, Grantsville, appreciates what the Commission is doing. He works at UMC, moved to Grantsville and he's grateful for what they are doing and putting forth the

effort to get the property sold.

Joyce Jacobsen, Erda, Blaine mentioned that a letter had went to all the neighbors around the property in Lake Point before the Beehive Broadband rezone. Why was the same considerations not given to the citizens of Erda before the plan for the road was finalized? Commissioner Milne stated these Commissioners were surprised about the location of the road. The previous commissioners had entered into an agreement with the owner of the property. He does not know whether the property owners at that time were notified of the plan for the road. Joyce was always told that Sheep Lane may be widened, but to put a road right behind a subdivision and behind a golf course doesn't make any sense. Where do they stand with that. Commissioner Bitner asked that they come and talk to them after the meeting.

Mr. Wayman asked if perhaps the road could be moved a little to the south.

Commissioner Bateman stated that there is also an easement for the railroad to consider. He asked that they be able to talk afterwards. Mr. Wayman asked if this is going to happen sooner or later. Commissioner Milne stated the agreement is for property from Droubay to SR36, no mention of anything further West.

Brian McFadden submitted a GRAMA request for the lease contract budget on the UMC. He was also denied because of a pending sale. Attorney Broadhead will address his email.

Brenda Faddis - in the contract for the UMSP, it says that any expenses will come out of the sale price and that Commissioner Milne will sign off on all of the purchases for the UMC. She asked if this was being done. The Commissioners stated that it is.

16. ADJOURN. Commissioner Bateman moved to adjourn the meeting at 7:58 pm. Commissioner Milne seconded the motion. All concurred.

THE FOREGOING MINUTES ARE HEREBY APPROVED:

ATTEST:

BY: *Marilyn K. Gillette*  
MARILYN K. GILLETTE, CLERK/AUDITOR

BY: *Waide B. Bitner*  
WAIDE B. BITNER, CHAIRMAN

